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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MOLINARI, MICHAEL J	

ART UNIT	PAPER NUMBER
2665	

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13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/459,670	JEFFREY ET AL.	
	Examiner	Art Unit	
	Michael J Molinari	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19,20,22-28,31-33,35 and 36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19, 20, 22-28, 31, 35 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 19 is objected to because of the following informalities: Line 16 (the next to last line) repeats the word "the". Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 recites the limitation "the network work address" in line 2. There is insufficient antecedent basis for this limitation in the claim.

3. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The final line of the claim recites the limitation "the association". However, the claim previously recites "a first association" and "a second association". It is not clear which association is being referred to.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 19, 20, 22-28, 31-33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell et al. (U.S. Patent No. 5,818,842) in view of McDysan et al. ("ATM Theory and Applications").

3. Referring to claim 19, Burwell et al. disclose a method for a host computer communicatively linked to a local area network and a virtual circuit network to handle communications between a first device on the local area network and a second device on the virtual circuit network, the method comprising the steps of: receiving a request from the first device for a virtual circuit connection with the second device (see column 7, lines 24-34 and column 8, lines 40-43) and teaches setting up the ATM circuit (see column 8, lines 37-43). Burwell et al. differ from claim 19 in that they fail to disclose the remaining details concerning call setup in an ATM network. However, call setup in ATM networks is well known in the art. For example, McDysan et al. teach a method of performing ATM call setup, including saving an association of a network address of the first device with the request (Calling Party Number, see pages 406-407 and Table 15.3); sending the request to the second device (see page 409, Figure 15.1); receiving a virtual circuit response from the second device (see page 409, Figure 15.1), wherein the virtual circuit response contains a virtual circuit identification assigned for the virtual circuit connection (see pages 406-407 and 409, Table 15.3 and Figure 15.1); generating, using the virtual circuit identification and the association of the network address of the first device with the request, an association between the virtual circuit identification and the network address of the first device (see pages 406-407 and 409, Table 15.3 and Figure 15.1); saving the association between the virtual circuit identification and the network address of the first device (see pages 406-407 and 409, Table 15.3 and Figure 15.1); and sending the virtual circuit

response to the first device (see page 409, Figure 15.1), which has the advantage of being the conventional method of performing call setup in an ATM network. One skilled in the art would have recognized the advantage of the ATM call setup method taught by McDysan et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the ATM call setup method of McDysan et al. into the system of Burwell et al. to achieve the advantage of performing the conventional method of ATM call setup.

4. Referring to claim 20, McDysan et al. disclose that the step of saving an association between the virtual circuit identification with the first device further comprises the steps of: determining an address of the first device from the request; generating a call reference value to identify the first device; and saving an association between the call reference value with the address of the first device (see pages 406-407 and 409, Table 15.3 and Figure 15.1).

5. Referring to claim 21, Burwell et al. disclose that the step of saving an association between the virtual circuit identification with the first device comprises the steps of: determining an address of the first device from the request; and saving an association between the virtual circuit identification with the address of the first device (see column 4, lines 48-51, column 11, lines 1 and 50-60, and column 8, lines 39-40).

6. Referring to claim 22, McDysan et al. disclose the step of transmitting data between the first device and the second device using the virtual circuit identification as being conventional (see pages 406-407 and 409, Table 15.3 and Figure 15.1).

7. Referring to claim 23, Burwell et al. disclose that the virtual circuit network is an ATM network (see Abstract).

8. Referring to claim 24, Burwell et al. disclose a host computer for transmitting data between a first device on a local area network and a second device on a virtual circuit network (see column 7, lines 29-34) comprising: a network program extracting a virtual circuit message from a device message (see column 8, lines 25-31), and teaches setting up the ATM circuit (see column 8, lines 37-43). Burwell et al. differ from claim 24 in that they fail to disclose the remaining details concerning call setup in an ATM network. However, call setup in ATM networks is well known in the art. For example, McDysan et al. teach a method of performing ATM call setup, including that the virtual circuit message includes a virtual circuit identification assigned to the first device for a virtual circuit connection with the second device (Connection Identifier, see pages 406-407 and see Table 15.3); a call deflector program saving a first association between a network address of the first device and a request by the first device to connect to the second device (see pages 406-407), and subsequently generating, using the first association and the virtual circuit identification extracted from the virtual circuit message, a second association between the network address of the first device and the virtual circuit identification, wherein the second association is usable for communications between the first device and the second device (see pages 406-407 and Table 15.3); and a packet switching program passing data between the first device and the second device based on the association (see pages 406-407 and 409, Table 15.3 and Figure 15.1).

9. Referring to claim 25, Burwell et al. disclose a call deflector table storing the second association (see column 12, lines 24-28).

10. Referring to claim 26, Burwell et al. disclose a bus driver extracting the device message from a bus-specific message, and passing the device message to the network program (see column 3, lines 26-28 and column 9, lines 7-15).

11. Referring to claim 27, Burwell et al. disclose that the network program determines the network address of the first device from the request (see column 7, lines 44-67 and column 8, lines 1-37).

12. Referring to claim 28, McDysan et al. disclose that the call deflector generates a call reference value for the request, and saves an association between the call reference value and the network address of the first device as the first association (see pages 406-407 and 409, Table 15.3 and Figure 15.1).

13. Referring to claim 31, Burwell et al. disclose that the virtual circuit network is an ATM network (see Abstract).

14. Referring to claim 32, Burwell et al. disclose a computer-readable medium having computer-executable instructions for a host computer communicatively linked to a local area network and a virtual circuit network to handle communications to perform steps comprising: receiving a request from a first device on the local area network for a virtual circuit connection with a second device on the virtual circuit network (see column 7, lines 24-34 and column 8, lines 40-43) and teaches setting up the ATM circuit (see column 8, lines 37-43). Burwell et al. differ from claim 32 in that they fail to disclose the remaining details concerning call setup in an ATM network. However, call setup in ATM networks is well known in the art. For example, McDysan et al. teach a method of performing ATM call setup including saving an association of a network address of the first device with the request (Calling Party Number, see pages 406-407

and Table 15.3); sending the request to the second device (see page 409, Figure 15.1); receiving a virtual circuit response from the second device (see page 409, Figure 15.1), wherein the virtual circuit response contains a virtual circuit identification assigned for the virtual circuit connection (see pages 406-407 and 409, Table 15.3 and Figure 15.1); generating, using the virtual circuit identification and the association of the network address of the first device with the request, an association between the virtual circuit identification and the network address of the first device (see pages 406-407 and 409, Table 15.3 and Figure 15.1); saving the association between the virtual circuit identification and the network address of the first device (see pages 406-407 and 409, Table 15.3 and Figure 15.1); and sending the virtual circuit response to the first device (see page 409, Figure 15.1), which has the advantage of being the conventional method of performing call setup in an ATM network. One skilled in the art would have recognized the advantage of the ATM call setup method taught by McDysan et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the ATM call setup method of McDysan et al. into the system of Burwell et al. to achieve the advantage of performing the conventional method of ATM call setup.

15. Referring to claim 33, McDysan et al. disclose that the step of saving an association between the virtual circuit identification with the first device further comprises the steps of: determining an address of the first device from the request; generating a call reference value to identify the first device; and saving an association between the call reference value with the address of the first device (see pages 406-407 and 409, Table 15.3 and Figure 15.1).

16. Referring to claim 35, McDysan et al. disclose performing the step comprising transmitting data between the first device and the second device using the virtual circuit identification (see pages 406-407 and 409, Table 15.3 and Figure 15.1).

17. Referring to claim 36, Burwell et al. disclose that the virtual circuit network is an ATM network (see Abstract).

Response to Arguments

18. Applicant's arguments with respect to claims 19, 20, 22-28, 31-33, 35 and 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. "ATM Volume I" by Black teaches a method of signaling in an ATM network including the details of call setup and the information contained in call setup messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJM

Michael Joseph Molinari

ALPUS H. HSU
PRIMARY EXAMINER